

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CUMBERLAND CELLULAR	)	
PARTNERSHIP FOR ISSUANCE OF A	)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE	)	2009-00120
AND NECESSITY TO CONSTRUCT A CELL	)	
SITE (COOPERSVILLE) IN RURAL SERVICE	)	
AREA #5 (WAYNE) OF THE COMMONWEALTH	)	
OF KENTUCKY	)	

O R D E R

On May 21, 2009, Cumberland Cellular Partnership (“Cumberland”) filed an application with the Commission for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a wireless communications facility in Wayne County, Kentucky. Prior to the submission of the application, Mr. Jerry Neal, an owner of property near the proposed cell tower site, submitted a request to intervene in this proceeding.<sup>1</sup> In his request, Mr. Neal states that he objects to the construction of the tower. Mr. Neal states that he owns 18 acres of land adjoining the site and a portion of his acreage is suitable for developing housing. Mr. Neal also states that the proposed tower is located close to the adjoining line of his property and that the construction of the tower would lower the value of his property.

The Commission hereby finds that, prior to rendering a determination on whether Mr. Neal should be allowed to intervene in this proceeding, Cumberland shall be

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<sup>1</sup> See Appendix A to this Order.

afforded the opportunity to provide a written response to his concerns and objections, as expressed in his motion. Cumberland shall have 20 days from the date of this Order to issue a written response to Mr. Neal. Mr. Neal's mailing information, as provided in his letter, is as follows:

Mr. Jerry Neal  
176 Guinn Bullard Ash Road  
Albany, KY 42602

From the date that he receives Cumberland's response, Mr. Neal shall have 10 days to send a reply to Cumberland. Mr. Neal shall send the reply to Cumberland, by and through its counsel of record:

John E. Selent  
Holly C. Wallace  
Dinsmore & Shohl LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

After the schedule has concluded for the submission of Cumberland's response and Mr. Neal's reply, the Commission shall review the pleadings and determine, by separate Order, if Mr. Neal shall be allowed to intervene in this proceeding.

IT IS HEREBY ORDERED that:

1. Within 20 days of the date of this Order, Cumberland shall serve a response upon Mr. Neal regarding his objections and concerns to the proposed cell tower site, as provided in this Order.
2. Within 10 days after he receives Cumberland's response, Mr. Neal shall send a reply to Cumberland, by and through its counsel, as provided in this Order.
3. Cumberland shall file five copies of its response with the Commission, in addition to serving the response upon Mr. Neal.

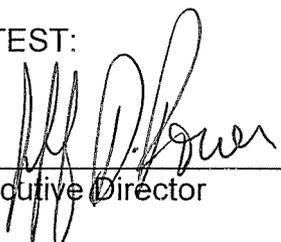
4. Mr. Neal shall file five copies of his reply with the Commission, in addition to serving the response upon Cumberland, by and through its counsel of record.

5. The Executive Director shall serve a copy of this Order upon Mr. Jerry Neal at the address provided in this Order.

By the Commission

ENTERED  
JUN - 5 2009 *M*  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2009-00120 DATED **JUN - 5 2009**

April 15, 2009

RECEIVED

APR 16 2009

PUBLIC SERVICE  
COMMISSION

Executor of Director's Office  
Public Service Commission of Kentucky  
P.O. Box 615  
Frankfort, Kentucky 40602

Re: 2009-00120

Dear Sirs:

I have received by Certified Mail a proposal by Cumberland Cellular Partnership, doing business as Bluegrass Cellular as to a proposed tower situated very close to my property located in Monticello, Kentucky.

I wish to intervene in this matter and explain my objection to the construction of the tower and its location. I own approximately 18 acres adjoining the site of the tower. Of the 18 acres, 8 acres is flat and is suitable for development into housing sites. The location chosen by the Cumberland Cellular Partnership is on a 2 acre tract of an individual who does not reside in the area, or to my knowledge, have any plans for any development.

In addition the tower is located very close to the adjoining line to my property, which is not centered on the 2 acre tract. It significantly lowers the value of my property as a result of the construction of this tower.

Please accept this as my request for intervention.

Thank you.

Sincerely,



Jerry Neal  
176 Guinn Bullard Ash Rd.  
Albany, Kentucky 42602

606-387-4375

Honorable Kerry E Ingle  
Attorney at Law  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Ron Smith  
General Manager  
Cumberland Cellular Partnership d/b/a Bluegrass  
2902 Ring Road  
P. O. Box 5012  
Elizabethtown, KY 42701